REMARKS

I. Introduction

Claims 1-18 and 21-26 are pending in this application, of which claims 1, 10, 18, and 23 are independent. The Examiner withdrew the previous rejection of the claims, but cited a new reference, Watanabe et al., and rejected the claims under 35 U.S.C. §103(a) in combination with Yamada et al. of record.

II. The Rejection of Claims 1-18 and 21-26

Claims 1-18 and 21-26 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Yamada et al. in view of Watanabe et al.[1] The Examiner asserted that the applied combination of Watanabe et al. and Yamada et al. teaches an image processor including all the limitations recited in independent claim 1. Applicants respectfully traverse this rejection.

The applied combination of Watanabe et al. in view of Yamada et al. does not teach an image processor including all the limitations recited in independent claim 1. Specifically, the applied combination does not disclose, at a minimum, "an image synthesizer which generates a scale image, representing a substantially real size, at a position specified on the image presented on the display in accordance with three dimensional positional information of the object and for combining the scale image with the image of the object," as recited in claim 1.

In the statement of the rejection, an image of an object presented by a display in claim 1 is identified as an image object obtained at the first step of Fig. 8 of Watanabe et al. The image object obtained at the first step is an actual scene obtained from an image supply device such as a TV camera, a video tape, and a video disk. As an example, Watanabe et al. in Fig. 9 shows a

[1] Applicants understand that Watanabe et al. is a primary reference and Yamada et al. is a secondary reference in the context of the rejection of claim 1.

rectangular parallelepiped and a tetrahedron photographed as an actual scene. See, e.g., column 12, lines 39-61.

The Examiner asserted that Watanabe et al teaches the claimed image synthesizer. The Examiner asserted that Watanabe et al. teaches combining "the scale image (figure 11) with the image of the object (figure 24)." This assertion is unreasonable. The image of the object (underlined) has to refer to the image object obtained at the first step of Fig. 8 according to the Examiner's assertion of the claimed display. An image in Fig. 24 is, however, not an actual scene, and not the "object" in the context of the Examiner's assertion.

Fig. 24 of Watanabe et al. shows an object image after process of adding three-dimensional positional information to the object image is complete. On the other hand, Fig. 11 does not show the claimed scale image, but the rectangular parallelepiped extracted from Fig. 9 (actual scene) to which three-dimensional positional information is added. The image objects in Figs. 11 and 24 are used to explain processes of adding three-dimensional positional information to images (see the paragraph bridging columns 12 and 13). Therefore, because the image objects in Figs. 11 and 24 are not combined in Watanabe et al., the Examiner's position is unreasonable.

Further, Watanabe et al. do not teach generating a scale image at a position specified on the image presented on the display in accordance with three-dimensional information of the object, as claimed. As mentioned above, the object (underlined) refers to the object obtained at the first step of Fig. 8, which is an actual scene not having three-dimensional positional information. In fact, Watanabe et al. describes adding three-dimensional information to the rectangular parallelepiped extracted from Fig. 9 (actual scene) (see Figs. 11 and 12). Thus, Watanabe et al. do not teach generating an image at a position in accordance with three-

dimensional information of the object because the object does not have the three-dimensional information.

Accordingly, Watanabe et al. does not teach, at a minimum, the claimed image synthesizer.

Yamada et al. also fails to disclose the use of three-dimensional positional information of the object or combining the scale image with the image of the object, as admitted by the Examiner in the Office Action dated September 9, 2005. In the present Office Action, the Examiner simply asserted that Yamada et al. teaches generating a scale image representing a substantially real size. The Examiner did not provide any comments on whether the reference teaches the use of three-dimensional positional information of the object or combining the scale image with the image of the object. Thus, Yamada et al. does not cure the deficiencies of Watanabe et al.

Applicants further explain that the Examiner's position on Watanabe et al. is not reasonable. In the statement of the rejection, the Examiner asserted, referring to the first step of Fig. 8, that Watanabe et al. discloses "a display (10) which presents an image of an object thereon." An example of the image obtained at the first step of Fig. 8 is a rectangular parallelepiped and a tetrahedron shown in Fig. 9. On the other hand, the Examiner asserted that Watanabe et al. discloses "combining the scale image (figure 11) with the image of the object (figure 24)." However, Fig. 11 simply shows the rectangular parallelepiped in Fig. 9 with depth values added, and thus, is different from "scale image." Furthermore, Watanabe et al. fails to disclose even combining images in Figs. 11 and 24. Fig. 24 is irrelevant to Fig. 11, as well as Fig. 8.

Further, the Examiner indicated that the flowcharts shown in Figs. 10 and 14 of Watanabe et al. teach the claimed limitations "an image synthesizer which generates a scale image, representing a substantially real size, at a position specified on the image presented on the display in accordance with three dimensional positional information of the object and for combining the scale image with the image of the object." However, Figs. 10 and 14 are silent on the limitation.

The Office Action includes the following sentence: "However, it is noted that Morimoto to disclose representing a substantially real size, at a position specified on the image presented on the display" (the last two lines on page 2 of the Office Action) (emphasis added). Morimoto is not cited in the Office Action. Even if it is assumed that Morimoto was intended to be either Watanabe et al. or Yamada et al., the Examiner did not provide any support why the reference teaches a substantially real size, at a position specified on the image presented on the display.

Based on the above, Watanabe et al. and Yamada et al., either individually or in combination, do not teach an image synthesizer including all the limitations recited in claim 1.

The Examiner asserted that independent claims 10, 18, and 23 have been rejected based upon similar rational to claim 1. However, claims 10, 18, and 23 should be patentable over Watanabe et al. and Yamada et al. at least because the Examiner's rational of rejecting claim 1 is not factually viable. Furthermore, the applied combination does not teach, among other things, combining "respective images of multiple objects together in accordance with three-dimensional positional information of the objects," in claims 10 and 23, and "scaling the image up or down in accordance with three-dimensional positional information of the object" in claim 18, for the reasons set forth with respect to the rejection of claim 1. Dependent claims 2-9, 11-17, 21, 22 and 24-26 are also patentably distinguishable over Watanabe et al. and Yamada et al. at least

because these claims respectively include all the limitations recited in independent claims 1, 10, and 23.

Applicants, therefore, respectfully solicit withdrawal of the rejection of claims 1-18 and 21-26 under 35 U.S.C. §103(a) predicated upon Watanabe et al. and Yamada et al., and favorable consideration thereof.

III. Conclusion

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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